

RECEIVED  
SDNY PRO SE OFFICE

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

2021 JAN 21 PM 2:25

Mark P. Murphy  
Write the full name of each plaintiff.

No. \_\_\_\_\_  
(To be filled out by Clerk's Office)

-against-

P.O Christopher Roemer

**COMPLAINT**  
(Prisoner)

Do you want a jury trial?  
☒ Yes ☐ No

Write the full name of each defendant. If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed above must be identical to those contained in Section IV.

**NOTICE**

The public can access electronic court files. For privacy and security reasons, papers filed with the court should therefore *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number. See Federal Rule of Civil Procedure 5.2.

**I. LEGAL BASIS FOR CLAIM**

State below the federal legal basis for your claim, if known. This form is designed primarily for prisoners challenging the constitutionality of their conditions of confinement; those claims are often brought under 42 U.S.C. § 1983 (against state, county, or municipal defendants) or in a "Bivens" action (against federal defendants).

☒ Violation of my federal constitutional rights

☐ Other: \_\_\_\_\_

**II. PLAINTIFF INFORMATION**

Each plaintiff must provide the following information. Attach additional pages if necessary.

Mark P Murphy  
First Name Middle Initial Last Name

State any other names (or different forms of your name) you have ever used, including any name you have used in previously filing a lawsuit.

# 169380

Prisoner ID # (if you have previously been in another agency's custody, please specify each agency and the ID number (such as your DIN or NYSID) under which you were held)

Westchester County Dept. of Corrections  
Current Place of Detention

P.O. Box 10 - 10 Woods Rd.  
Institutional Address

Westchester, Valhalla Ny 10595  
County, City State Zip Code

**III. PRISONER STATUS**

Indicate below whether you are a prisoner or other confined person:

☒ Pretrial detainee

☐ Civilly committed detainee

☐ Immigration detainee

☐ Convicted and sentenced prisoner

☐ Other: \_\_\_\_\_

## IV. DEFENDANT INFORMATION

To the best of your ability, provide the following information for each defendant. If the correct information is not provided, it could delay or prevent service of the complaint on the defendant. Make sure that the defendants listed below are identical to those listed in the caption. Attach additional pages as necessary.

Defendant 1:

Christopher Roemer WK  
 First Name Last Name Shield #  
 Police Officer  
 Current Job Title (or other identifying information)  
 City OF Yonkers Police Department  
 Current Work Address  
 Westchester, Yonkers NY  
 County, City State Zip Code

Defendant 2:

First Name Last Name Shield #  
 Current Job Title (or other identifying information)  
 Current Work Address  
 County, City State Zip Code

Defendant 3:

First Name Last Name Shield #  
 Current Job Title (or other identifying information)  
 Current Work Address  
 County, City State Zip Code

Defendant 4:

First Name Last Name Shield #  
 Current Job Title (or other identifying information)  
 Current Work Address  
 County, City State Zip Code

V. STATEMENT OF CLAIM

Place(s) of occurrence: 106 Oliver Ave, City of Yonkers

Date(s) of occurrence: 10/16/2018

FACTS:

State here briefly the FACTS that support your case. Describe what happened, how you were harmed, and how each defendant was personally involved in the alleged wrongful actions. Attach additional pages as necessary.

At Approximately 4:55 PM I Was the Passenger of A Vehicle That Was in My Wifes name That Was pulled over. I Was Asked to Show My ID Which I did, I showed My New York State Drivers Liscence. I WAS Then asked to Step out The vehicle Which I did. AS soonS I stepped out The vehicle I Was placed in handcUFFS by P.O Roemer. P.O Roemer then Began to Pat Frisk Me Which he Came up With Nothing. Police OFFICER Roemer then Decided to Humiliate Me in Front of other OFFICERS and a Crowd of onlookers by grabbing My pants waste and pulling Them outwards so he Can look Down My pants. While looking Down My pants At My penis and Scrotum Sack he ASKS Me Whats That? When I Don't Reply he puts his hand Down My pants Fondeling My penis and Scrotum Sack to Retrieve A Sandwhich Bag Which Was Believed to be Cocaine. Case # CR-16794-18. Police OFFICER Roemer then puts his hand Down the Back part of My pants to Humiliate Me More by Touching My Buttocks And Anus Where he Retrieved A Razor Blade. Police OFFICER Roemer along With all other OFFICER'S on the scene Humiliated Me and Mentally

Scared Me by Subjecting Me to Cruel and unusual Punishment by Touching My penis, Scrotum Sack, Buttocks, and Anus While A whole Crowd of onlookers Watched. P.O Roemer Was Negligent and deliberately indifferent in his individual and official capacities by Subjecting Me to Such A Search in public in Broad daylight.

#### INJURIES:

If you were injured as a result of these actions, describe your injuries and what medical treatment, if any, you required and received.

I am Mentally Scared by this incident, By Another Mans hands Fondle My Private Parts. IM Traumatized When around Police officers. Wrongfully Imprisoned and violated My parole, False Arrest, and Wrongfully Searched in public.

#### VI. RELIEF

State briefly what money damages or other relief you want the court to order.

From

\$250,000 ↓ Police Officer Roemer, And for Him to never Be able to Humiliate Somebody The Way He Did Me.

**VII. PLAINTIFF'S CERTIFICATION AND WARNINGS**

By signing below, I certify to the best of my knowledge, information, and belief that: (1) the complaint is not being presented for an improper purpose (such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation); (2) the claims are supported by existing law or by a nonfrivolous argument to change existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Federal Rule of Civil Procedure 11.

I understand that if I file three or more cases while I am a prisoner that are dismissed as frivolous, malicious, or for failure to state a claim, I may be denied *in forma pauperis* status in future cases.

I also understand that prisoners must exhaust administrative procedures before filing an action in federal court about prison conditions, 42 U.S.C. § 1997e(a), and that my case may be dismissed if I have not exhausted administrative remedies as required.

I agree to provide the Clerk's Office with any changes to my address. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Each Plaintiff must sign and date the complaint. Attach additional pages if necessary. If seeking to proceed without prepayment of fees, each plaintiff must also submit an IFP application.

1-7-2021

Dated Mark P Plaintiff's Signature Mark Murphy

First Name Middle Initial Last Name

Prison Address Westchester County Dept of Corrections - P.O Box 10

Westchester, Valhalla Ny 10595

County, City State Zip Code

Date on which I am delivering this complaint to prison authorities for mailing:

1-7-2021

Mark Murphy  
P.O. Box 10  
Valhalla, NY  
10595



ATTN: Pro Se Court Clerk

United States District Court Southern district OF NY  
500 Pearl Street  
New York, NY, 10007

RECEIVED  
SDNY PRO SE OFFICE  
2021 JAN 21 PM 2:04

USDC  
SDNY

